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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,289	12/22/2005	Johannes Beugels	NL 030746	5792
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EXAMINER				
PAYER, HWEI SIU CHOU				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
11/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/562,289

**Applicant(s)**

BEUGELS ET AL.

**Examiner**

HWEI-SIU C. PAYER

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 and 22-25 is/are pending in the application.  
4a) Of the above claim(s) 4 and 8-14 is/are withdrawn from consideration.  
5) ☒ Claim(s) 20 and 22 is/are allowed.  
6) ☒ Claim(s) 1-3, 5-7, 15-19, 23, 24 and 25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **Detailed Action**

1. The amendment filed on 8-7-2008 has been entered. No corrected oath/declaration is received with this amendment.
2. This application contains claims 4 and 8-14 drawn to an invention nonelected with traverse in the reply filed on 4-7-2008. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

## **Objection to Oath/Declaration**

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
The filing date (6/27/04) of priority document EP 03101924.3 listed on the declaration does not agree with the filing date (6/27/03) shown on the priority document.

## **Drawings Objection**

The drawings are objected to because in Fig.5, reference numeral "113" has been given two different designations as "hair chamber" and "arrow".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### **Objection to the Specification**

The disclosure is objected to because of the following informalities:

(1) On page 2, lines 16-20, reference to the claims in the specification is improper and should be deleted. Note In re Rainer, 49 CCPA 1243, 1248, 305F.2d 505, 509, 134 USPQ 343,346 (1962).

(2) In the amended paragraph beginning on page 7, line 28, "reference numeral "113" has been used to designate two different elements as --hair chamber-- and --arrow--.

Appropriate correction is required.

### **Claim Objection**

Claim 3 is objected to because of the following informalities: In claim 3, line 3, "is" should read --are--.

Appropriate correction is required.

### **Claims Rejection - 35 U.S.C. 112, first paragraph (new matter)**

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 24 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claimed limitation of "the at least one impeller is arranged to provide an axially narrow surface area" has no support from the specification as originally filed.

**Claims Rejection - 35 U.S.C. 102(b)**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-7, 15-19 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Barish (U.S. Patent No. 5,909,928).

Barish shows a shaver including: a shaving head holder (3d) carrying at least one shaving head (3a/3b/3c) comprising a screen (20) having an internal surface, an external surface for contacting a skin to be shave, and hair-receiving openings (24) and at least one cutter (10) having at least one cutting edge (12) movable along the internal surface of the screen (20), the at least one cutting edge (12) cooperating with the screen (20) for cutting off hair projecting through the hair-receiving openings (24); a hair chamber (defined by the upper surface of disk 11 surrounded by cutting edges 12, see Figs.2-3) behind the hair-receiving openings (24); a drive structure (4,5) comprising at least one motor (4); at least one impeller (17) being connected to the drive structure (4,5) for driving the movement of the at least one impeller (17); the drive structure (4,5) for driving the movement of the at least one impeller (17) also connected to the at least one cutter (10) for drive motion of the cutter along the internal surface of the screen (20); the at least one impeller (17) and the at least one cutter (10) being suspended for rotation about at least one common axis of rotation (along the center of hub 13); at least two passages (27) via which the hair chamber communicates with the environment; the

at least two passages (27) located in the at least one shaving head (3a/3b/3c) and adjacent to and separate from the hair-receiving openings (24); the at least one impeller (17) at least located in the at least one shaving head (3a/3b/3c); the at least one impeller (17) arranged concentrically inside at least a portion of the at least one cutter (10); the at least one impeller (17) located in the hair chamber; and the at least one impeller (17) comprising at least two impellers (see column 2, lines 56-59) connected to the drive structure (4,5) for driving the at least two impellers as claimed.

The terms "liquid displacement impeller" and "flushing passages" have been carefully considered but are deemed not to import any structural limitations on the shaver and accordingly cannot serve to distinguish. Further, since Barish's shaver as set forth shows all the claimed structure, it is held that Barish's impeller (17) and passages (27) are so arranged and fully capable of displacing liquid and flushing liquid, respectively, if the shaving head (3a/3b/3c) is dipped into liquid and the motor (4) is turned on. Moreover, once Barish's impeller is in the liquid with the motor turned on, the impeller (17) is in the liquid and cannot cause a significant amount of airflow and, therefore, the newly added limitation of "to displace liquid through the hair chamber without causing significant amounts of airflow" is met.

Regarding claim 24, the axial surface area of the shaver is reduced at where Barish's impeller (17) is occupied, therefore, it meets the claimed limitation of "to provide an axially narrow surface area".

**Claim Rejection - 35 U.S.C. 103(a)**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw et al. (U.S. Patent No. 3,369,294) in view of Nasu et al. (U.S. Patent No. 4,442,596).

The shaver of Shaw et al. shows all the claimed structure except it does not teach self-cleaning of the shaver by having the shaver powered on and dipping the shaving head (35) of the shaver into water.

Nasu et al. teaches an alternative way of cleaning the hair chamber of a shaver by having the shaver powered on and dipping the shaver head of the shaver into water to facilitate a current of water generated in the hair chamber to displace through the hair chamber and to clean the hair chamber (see column 2, line 61-67).

Thus, it would have been obvious to one skilled in the art at the time this invention was made to clean the hair chamber (100) of Shaw et al. by having liquid displaced through the hair chamber (100) to clean the same as taught by Nasu et al. Further, once the impeller (105) of Shaw et al. is in the liquid with the motor (57) turned on, the impeller (105) is in the liquid and cannot cause a significant amount of airflow and, therefore, the newly added limitation of "without causing significant amounts of airflow" is met.

#### **Indication of Allowable Subject Matter**



Claims 20 and 22 are allowed.

## Remarks

Applicants argue, at page 16 of the amendment, Barish does not disclose or suggest a shaver comprising "at least one liquid displacement impeller arranged to displace liquid through the hair chamber without causing significant amounts of airflow, the at least one liquid displacement impeller being connected to the drive structure for driving the movement of the at least one impeller". In response, Barish's impeller (17) indeed is connected to the drive structure (4,5). While Barish shows the impeller is arranged to displace air through hair chamber rather than to displace liquid through the hair chamber. However, since Barish's shaver as set forth shows all the claimed structure, it is held that Barish's impeller (17) and passages (27) are fully capable of displacing liquid and flushing liquid, respectively, if the shaving head (3a/3b/3c) is dipped into liquid and the motor (4) is turned on. Moreover, once Barish's impeller is in the liquid with the motor turned on, the impeller (17) is in the liquid and cannot cause a significant amount of airflow and, therefore, the newly added limitation of "to displace liquid through the hair chamber without causing significant amounts of airflow" is met.

Applicants further argue, at page 17 of the amendment, claim 23 is patentable over Barish alone and in view of Nasu. In response, claim 23 is rejected under 35 U.S.C. 103 as being unpatentable over Shaw et al. in view of Nasu et al. The base reference is Shaw et al. not Barish.

Claims 20 and 22 as amended are allowable over the prior art of record.

### **Action Made Final**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone numbers for

the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H Payer  
November 15, 2008

/Hwei-Siu C. Payer/  
Primary Examiner, Art Unit 3724